IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 34132 of 2006(L)

PETITIONERS:

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1. UNNIKRISHNAN.P.N., HEAD CONSTABLE NO.A.4265, ARMED RESERVE CAMP, ALAPPUZHA.

2. KARTHIKEYAN.K.K., HEAD CONSTABLE NO.A.3845, ARMED RESERVE CAMP, ALAPPUZHA.

3. JAYAPRAKASH.P.R., HEAD CONSTABLE NO.A.4256, ARMED RESERVE CAMP, ALAPPUZHA.

4. SOMAN.G., HEAD CONSTABLE NO.A.4325, ARMED RESERVE CAMP, ALAPPUZHA.

5. LAWRANCE.K.A., HEAD CONSTABLE NO.A.4330, ARMED RESERVE CAMP, ALAPPUZHA.

6. SAIFUDEEN, HEAD CONSTABLE NO.A.4168, ARMED RESERVE CAMP, ALAPPUZHA.

7. SEBASTIAN, HEAD CONSTABEL NO.A. 4211, ARMED RESERVE CAMP, ALAPPUZHA.

8. ULLAS.P.S., HEAD CONSTABLE NO.A.4251, ARMED RESERVE CAMP, ALAPPUZHA.

9. RAJAGOPALAN.S., HEAD CONSTABLE NO.A.4276, ARMED RESERVE CAMP, ALAPPUZHA.

10. VENU.G., HEAD CONSTABLE NO.A. 4277, ARMED RESERVE CAMP, ALAPPUZHA.

11. DHANAPALAN.C.R., HEAD CONSTABLE NO.A.3801, ARMED RESERVE CAMP, ALAPPUZHA.

12. M.P.RAVEENDRA KURUP, HEAD CONSTABLE NO.A.3821, ARMED RESERVE CAMP, ALAPPUZHA.

13. KOSHY.P.T., HEAD CONSTABLE NO.A. 4321, ARMED RESERVE CAMP, ALAPPUZHA.

14. PREMKUMAR.P.R., HEAD CONSTABLE NO.A.4324, ARMED RESERVE CAMP, ALAPPUZHA.

15. VENUGOPALAN NAIR.C.S., HEAD CONSTABLE NO.A.4296, ARMED RESERVE CAMP, ALAPPUZHA.

BY ADV. SRI.N.RATHEESH
SMT.SUMA RATHEESH

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY ITS CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE PRINCIPAL SECRETARY TO GOVERNMENT, HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

3. THE DIRECTOR GENERAL OF POLICE, THIRUVANANTHAPURAM.

4. THE DEPUTY INSPECTOR GENERAL OF POLICE, ERNAKULAM RANGE, ERNAKULAM.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C). No.34132 of 2006

Dated this the 2nd day of July, 2007.

JUDGMENT

The petitioners are Armed Reserve Head Constables in the District Armed Reserve, Alappuzha. They were aggrieved by the assignment of seniority to certain persons in the cadre of Armed Reserve Head Constables in Ernakulam. They filed representations against the seniority list published in Ernakulam Range of Armed Reserve Head Constables as on 1.1.2002 before the Government. This court directed the consideration of their representations. One of the petitioners were heard and the Government issued Ext.P18 order (G.O.(Rt) 3252/05/Home dated 30.12.2005). The grievance of the petitioners is that some of the Head Constables in Ernakulam Armed Reserve, who were actually promoted as Head Constables only in 1997, were assigned seniority with effect from 17.6.1996 and thereby they were able to get seniority over the petitioners who were promoted in 1997.

2. The Government found in Ext.P18 that several vacancies arose in Ernakulam in 1996 and some of the Constables who got promotion were test qualified as on 17.7.1996. So they were notionally promoted with retrospective effect from the date of acquisition of qualification, having regard to the availability of large

number of vacancies. Based on that finding, the representations filed by the petitioners were rejected. This writ petition is filed challenging the said order, Ext.P18.

3. I find that the reasoning of the Government to reject the representations is very sound. The petitioners have not pleaded or placed any materials in the writ petition to interfere with the finding of fact that the persons promoted with retrospective effect became test qualified on 17.7.1996 and there were vacancies available to accommodate them.

In view of the above position, the writ petition fails and it is dismissed.

Sd/-

(K.BALAKRISHNAN NAIR)
JUDGE

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P.S. To Judge